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# California Nonpartisan Primary Initiative

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September 23, 2008

**RECEIVED**

SEP 29 2008

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Ms. Tricia Knight  
Initiative Coordinator  
Office of the Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Request for Title and Summary for California Nonpartisan Primary Initiative

Dear Ms. Knight:

This letter is to request that the Attorney General prepare a title and summary for the California Nonpartisan Primary Initiative, a copy of which is attached. I am the proponent of this initiative and am a registered voter in California. Also enclosed is a check payable to the State of California in the amount of \$200.00.

You are hereby authorized to contact David Takashima at KP Public Affairs to discuss this matter at 1201 K St., Suite 800, Sacramento, CA 95814, Ph: 916/448-2162.

Confirmation of my address for voter registration purposes is attached.

Very truly yours,

Steve Peace

Enclosures

## SECTION 1. Title.

This measure shall be known and may be cited as the "California Nonpartisan Primary Initiative."

## SECTION 2. Section 3 of Article II of the California Constitution is amended to read:

SEC. 3. (a) The Legislature shall define residence and provide for registration and free elections.

(b) Partisan registration is prohibited. Under no circumstances may a state or local governmental entity ask or permit an individual to formally affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or organization upon registering to vote. Except as required by legislation enacted pursuant to subsection (c) of Section 5 of this Article, no voter need declare a preference for a political party or organization to vote that party's ballot in a partisan primary.

(c) Except as provided in subsection (d) of Section 5 of this Article, no record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot, including the choice that a voter makes on a partisan primary ballot regarding political party affiliation.

(d) Not later than one year following the effective date of this section, the Legislature shall enact such new laws, and shall amend such existing laws, as are necessary to carry out the purposes of this section.

## SECTION 3. Section 5 of Article II of the California Constitution is amended to read:

SEC. 5. (a) The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.

(b) A political party that participated in a primary election for a partisan office has the right to participate in the general election for that office and shall not be denied the ability to place on the general election ballot the candidate who received, at the primary election, the highest vote among that party's candidates.

(c) Notwithstanding Section 3 of this Article, to effectuate the purposes of this Section and to preserve the associational rights of the parties, upon request of any qualified party the Secretary of State shall adopt rules requiring a voter seeking to vote that party's ballot at any partisan primary election to subscribe to a declaration that he or she regards himself or herself to be a member of that party. Voters who subscribe to a specific political party declaration under this section must be given the ballot of the party for which he or she signs such a subscription. Votes cast by persons making these declarations must be tabulated and reported separately from other votes cast at the primary and may be used by a qualified political party in its allocation of delegates, or election of party officers, under the rules of that party.

(d) For a political party that requires a specific voter declaration under a statute authorized by this section, the Secretary of State shall prescribe rules for providing, to the state and county committees of that political party, a list of the voters who participated in the presidential nominating process of that party. In accordance with the right of privacy guaranteed by Section I of Article I of this Constitution, the list created and distributed pursuant to this section shall not be disclosed to the public.

(e) The Legislature may enact laws that would, upon request of any qualified party, require the Secretary of State to adopt rules requiring a voter signing a nomination paper for a candidate seeking a party nomination for a partisan office at any partisan primary election to subscribe to a declaration that the signer regards himself or herself to be a member of that party.

(f) The Legislature may enact laws that would, upon request of any qualified party, require the Secretary of State to adopt rules requiring a candidate seeking a party nomination for a partisan office

at any partisan primary election to subscribe to a declaration that the candidate regards himself or herself to be a member of that party.

SECTION 4. Section 5.5 is added to Article II of the California Constitution to read:

SEC. 5.5. (a) Partisan elections for congressional and state elective offices in California are eliminated, and a nonpartisan primary shall be conducted to select the candidates for a nonpartisan general election, consistent with the United States Supreme Court's decision in Washington State Grange v. Washington State Republican Party (2008). All voters may now vote at the primary for any candidate for congressional and state elective office without regard to the political party preference of the candidate or the voter, provided that the voter is otherwise qualified to vote for candidates for the office in question. The top two vote-getters at each state primary election for those offices, regardless of party affiliation, will compete in the ensuing general election.

(b) No political party or party central committee may nominate a candidate for any congressional or state elective office, and those offices are not "partisan offices" within the meaning of Section 5 of this Article. This Section shall not be construed to limit the application of Section 5 to presidential primary elections or to elections for officers of a political party or a party central committee. Any candidate for congressional or state elective office may choose to have his or her major or minor party preference, or independent status, indicated upon the ballot for said office in the manner hereafter provided by statute. This section shall not be interpreted to prohibit a political party or party central committee from endorsing, supporting, or opposing any candidate for congressional or state elective office.

SECTION 5. Section 6 of Article II of the California Constitution is amended to read:

SEC. 6. (a) All judicial, school, county, and city offices, including the Office of Superintendent of Public Education, shall be nonpartisan.

(b) No political party or party central committee may endorse, support, or oppose nominate a candidate for nonpartisan office, and no party preference may be indicated upon the ballot for such offices.

SECTION 6. Section 13 of the Elections Code is amended to read:

13. (a) No person shall be considered a legally qualified candidate for any office, or for party nomination for a partisan office, or for nomination to participate in the general election for any voter-nominated office, under the laws of this state unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in Section 8806, or having been selected as an independent candidate pursuant to Section 8304.

(b) Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for any person by writing the name of that person on the ballot, or from having that ballot counted or tabulated, nor shall any provision of this section be construed as preventing or prohibiting any person from standing or campaigning for any elective office by means of a "write-in" campaign. However, nothing in this section shall be construed as an exception to the requirements of Section 15341.

(c) It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a "legally qualified candidate" in this state for the purposes of administering Section 315 of Title 47 of the United States Code.

SECTION 7. Section 334 of the Elections Code is amended to read:

334. "Nonpartisan office" means an office, except for a voter-nominated office, for which no party may nominate a candidate. Judicial, school, county, and municipal offices, and the Office of Superintendent of Public Instruction, are nonpartisan offices.

SECTION 8. Section 338.5 is added to the Elections Code to read:

338.5. "Party-nominated office" shall have the same meaning as "partisan office" as defined in Section 337.

SECTION 9. Section 359.5 is added to the Elections Code to read:

359.5. "Voter-nominated office" means a congressional or state elective office for which no political party or party central committee may nominate a candidate, but for which any candidate may choose to have his or her major or minor party preference, or independent status, indicated upon the ballot. The primary conducted for voter-nominated offices does not serve to determine the nominees of a political party but serves to winnow the number of candidates to a final list of two for the general election. The following offices are voter-nominated offices:

- (a) Governor;
- (b) Lieutenant Governor;
- (c) Secretary of State;
- (d) State Controller;
- (e) State Treasurer;
- (f) Attorney General;
- (g) United States Senator;
- (h) Representative in the United States Congress;
- (i) Members of the State Senate;
- (j) Members of the State Assembly;
- (k) Members of the Board of Equalization; and
- (l) The State Insurance Commissioner.

SECTION 10. Section 2151 of the Elections Code is repealed:

~~2151. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he or she intends to affiliate at the ensuing primary election. The name of that political party shall be stated in the affidavit of registration and the index.~~

~~The voter registration card shall inform the affiant that any elector may decline to state a political affiliation, but no person shall be entitled to vote the ballot of any political party at any primary election unless he or she has stated the name of the party with which he or she intends to affiliate or unless he or she has declined to state a party affiliation and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party. The voter registration card shall include a listing of all qualified political parties.~~

~~No person shall be permitted to vote the ballot of any party or for any delegates to the convention of any party other than the party designated in his or her registration, except as provided by Section 2152 or unless he or she has declined to state a party affiliation and the party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the party ballot or for delegates to the party convention.~~

SECTION 11. Section 2151 is added to the Elections Code to read:

2151. Notwithstanding any other provision of law, all references to a voter's political party affiliation in Sections 2108, 2150, 2154, 2155, 2160, 2187, and 3100 of this Code shall be disregarded, shall have no force and effect, and shall not be enforced. From the effective date of this section, the Secretary of State shall supply affidavits of registration that omit any request or option for the voter to affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or

organization upon registering to vote. From the effective date of this Section, any voter who previously stated a political party affiliation when registering to vote shall no longer be deemed to be formally affiliated with that party. Nothing herein shall be construed as otherwise nullifying the existing registration of any voter duly registered to vote.

SECTION 12. Section 2152 of the Elections Code is repealed:

~~Whenever any voter has declined to designate or has changed his or her political affiliation prior to the close of registration for an election, he or she may either so designate or have a change recorded by executing a new affidavit of registration and completing the prior registration portion of the affidavit.~~

SECTION 13. Section 2180.5 is added to the Elections Code to read:

2180.5. Notwithstanding any other provision of law, the index required by Section 2180 shall omit an reference to the political party affiliation of any voter.

SECTION 14. Section 3006 of the Elections Code is amended to read:

3006. (a) Any printed application that is to be distributed to voters for requesting vote by mail ballots shall contain spaces for the following:

(1) The printed name and residence address of the voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The voter's signature.

(4) The name and date of the election for which the request is to be made.

(5) The date the application must be received by the elections official.

(b) (1) The information required by paragraphs (1), (4), and (5) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.

(2) An address, as required by paragraph (2) of subdivision (a), may not be the address of any political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that a vote by mail ballot be mailed to the candidate's residence address.

(3) Any application that contains preprinted information shall contain a conspicuously printed statement, as follows: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."

~~(c) The application shall inform the voter that if he or she is not affiliated with a political party, the voter may request a vote by mail ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads, as follows: "I am not presently affiliated with any political party. However, fFor this primary election only, I request a vote by mail ballot for the \_\_\_\_\_ Party." The name of the political party shall be personally affixed by the voter.~~

(d) The application shall provide the voters with information concerning the procedure for establishing permanent vote by mail voter status, and the basis upon which permanent vote by mail voter status is claimed.

(e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

SECTION 15. Section 3007.5 of the Elections Code is amended to read:

3007.5. (a) The Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for a vote by mail voter's ballot that conforms to this section.

(b) The uniform electronic application shall contain spaces for at least the following information:

(1) The name and residence address of the registered voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The name and date of the election for which the request is made.

(4) The date the application must be received by the elections official.

(5) The date of birth of the registered voter.

(c) The uniform electronic application shall inform the voter that ~~if he or she is not affiliated with a political party, the voter may request a vote by mail ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall list the parties that have notified the Secretary of State of the adoption of such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads, as follows: "I am not presently affiliated with any political party. However, f~~For this primary election only, I request a vote by mail ballot for the \_\_\_\_\_ Party." The name of the political party shall be personally affixed by the voter.

(d) The uniform electronic application shall contain a conspicuously printed statement, as follows: "Only the registered voter himself or herself may apply for a vote by mail ballot. An application for a vote by mail ballot made by a person other than the registered voter is a criminal offense."

(e) The uniform electronic application shall include the following statement: "A ballot will not be sent to you if this application is incomplete or inaccurate."

(f) The uniform electronic application format shall not permit the form to be electronically submitted unless all of the information required to complete the application is contained in the appropriate fields.

SECTION 16. Section 3205 of the Elections Code is amended to read:

3205. (a) Vote by mail ballots mailed to, and received from, voters on the permanent vote by mail voter list are subject to the same deadlines and shall be processed and counted in the same manner as all other vote by mail ballots.

(b) Prior to each primary election, county elections officials shall mail to every voter ~~not affiliated with a political party whose name appears on the permanent vote by mail voter list a notice and application regarding voting in the primary election. The notice shall inform the voter that he or she may request a vote by mail ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing these voters to vote in their primary. If, pursuant to Section 5, subsection (c) of Article II of the Constitution, the Secretary has adopted a rule requiring that a voter seeking to vote that party's ballot subscribe to a declaration, they the notice shall so inform the permanent vote by mail voter. The notice shall also contain a toll free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads as follows: "I am not presently affiliated with any political party. However, f~~For this primary election only, I request a vote

by mail ballot for the \_\_\_\_\_ Party.” The name of the political party shall be personally affixed by the voter.

SECTION 17. Section 8001 of the Elections Code is repealed:

~~8001. (a) No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed, by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he has been eligible to register to vote in the state, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he seeks within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.~~

~~(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.~~

SECTION 18. Section 8001 is added to the Elections Code to read:

8001. If any statute is enacted requiring a declaration pursuant to subsection (f) of Section 5 of Article II of the Constitution, no declaration of candidacy for a partisan office or for membership on a county central committee shall be accepted for filing by the elections official unless the declaration contains such a declaration attached thereto.

SECTION 19. Section 8002.5 is added to the Elections Code to read:

8002.5. (a) A candidate for a voter-nominated office may indicate a major or minor party preference, or independent status, upon his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name. The candidate's designated party preference may not be changed between the primary and general election.

(b) Notwithstanding the designated party preference of the candidate, or the party preference of the voter, any qualified voter may vote for any candidate for a voter-nominated office if the voter is otherwise entitled to vote for candidates for the office to be filled.

(c) A candidate designating a party preference pursuant to subsection (a) shall not be deemed to be the official nominee of the party in question. The party preference designated by the candidate is shown for the information of the voters only and may in no way limit the options available to voters.

(d) All references to party affiliation shall be omitted from all forms required to be filed by a voter-nominated candidate pursuant to this division in the same manner that such references are omitted from forms required to be filed by nonpartisan candidates pursuant to Section 8002, except that the declaration of candidacy required by Section 8040 shall include a place for the candidate to designate their party preference in accordance with subsection (a).

SECTION 20. Section 8004 of the Elections Code is amended to read:

8004. (a) In the event that no candidate files for a party's nomination for any partisan office that would appear on the ballot in a county or a political subdivision within that county, the elections official shall do both of the following:

(1) Refrain from printing a partisan ballot for that party in that county or a political subdivision within that county in which there are no candidates for that political party's nomination.



(2) Send notification to these voters ~~registered as affiliated with that party~~ that there were no qualified candidates for the partisan office for which the voter is eligible to vote, together with a nonpartisan ballot, unless, within 10 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted is filed with the elections official and signed by 10 percent of the number of registered voters who voted in that party's most recent presidential primary, or 100 registered voters, whichever is less, ~~affiliated with that party~~ within the county or a political subdivision within that county, whichever is applicable.

(b) A separate petition shall be filed for each specific office for which a write-in campaign is to be conducted.

SECTION 21. Section 8025 of the Elections Code is amended to read:

8025. If only one candidate has declared a candidacy for a partisan nomination at the direct primary election for a party qualified to participate at that election, or for nomination at the direct primary for any voter-nominated office, and that candidate dies after the last day prescribed for the delivery of nomination documents to the elections official, as provided in Section 8020, but not less than 83 days before the election, any person qualified to seek nomination to that voter-nominated office may circulate and deliver nomination documents for the office to the elections official up to 5 p.m. on the 74th day prior to the election. In that case, the elections official shall, immediately after receipt of those nomination documents, certify and transmit them to the Secretary of State in the manner specified in this article.

SECTION 22. Section 8041 of the Elections Code is amended to read:

8041. (a) The nomination paper shall be in substantially the following form:

#### NOMINATION PAPER

I, the undersigned signer for \_\_\_\_\_ for the \_\_\_\_\_ Party nomination to the office of \_\_\_\_\_, to be voted for at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereby assert as follows:

I am a resident of \_\_\_\_\_ County and registered to vote at the address shown on this paper ~~and affiliated with the \_\_\_\_\_ Party~~. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name \_\_\_\_\_

Residence \_\_\_\_\_

(b) The affidavit of the circulator shall read as follows:

#### AFFIDAVIT OF THE CIRCULATOR

I, \_\_\_\_\_, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between \_\_\_\_\_, 20\_\_\_\_, and \_\_\_\_\_, 20\_\_\_\_; that I circulated the petition and I saw the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is \_\_\_\_\_.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(SEAL) Notary Public (or other official)

Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

SECTION 23. Section 8068 of the Elections Code is amended to read:

8068. (a) Signers shall be voters in the district or political subdivision in which the candidate is to be voted on, ~~and~~

(b) With respect to any candidacy for partisan office, signers shall subscribe to any declaration required by statute or regulation pursuant to subsection (e) of Section 5 of Article II of the Constitution, shall be affiliated with the party, if any, in which the nomination is proposed.

SECTION 24. Section 8081 of the Elections Code is amended to read:

8081. Before any nomination document is filed in the office of the county elections official or forwarded for filing in the office of the Secretary of State, the county elections official shall verify the signatures ~~and the political affiliations~~ of the signers on the nomination paper with the registration affidavits on file in the office of the county elections official. The county elections official shall mark "not sufficient" any signature that does not appear in the same handwriting as appears on the affidavit of registration in his or her office, or that is not accompanied by a declaration of party affiliation ~~that is not in accordance with the declaration of party affiliation in the affidavit of registration~~ if required by Sections 8041 and 8068. The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified.

SECTION 25. Section 8106.5 is added to the Elections Code to read:

8106.5. To effectuate the purposes of Section 3, subsection (b), of Article II of the Constitution, notwithstanding subsection (a)(6) of Section 8106, a candidate seeking the nomination of a qualified party that received less than 5 percent of all votes cast for governor at the last gubernatorial election may submit a petition containing signatures equal to 10 percent of the votes cast for that party in the last gubernatorial election in the district in which he or she seeks nomination, or 150 signatures, whichever is less, in lieu of a filing fee.

SECTION 26. Section 8121 of the Elections Code is amended to read:

8121. Not less than five days before he or she transmits the certified list of candidates to the county elections officials, as provided in Section 8120, the Secretary of State shall notify each candidate for partisan office and for voter-nominated office of the names, addresses, offices, occupations, and party affiliations of all other persons who have filed for the same office. With respect to candidacies for a voter-nominated office, "party affiliations" as used in this section shall refer to the party preference designation specified on the declaration of candidacy as provided in Section 8002.5.

SECTION 27. Section 8124 of the Elections Code is amended to read:

8124. The certified list of candidates sent to each county elections official by the Secretary of State shall show:

(a) The name of each candidate.

(b) The office for which each person is a candidate.

(c) With respect to candidates for partisan offices, the party each person represents, ~~unless the office is nonpartisan.~~

(d) With respect to candidates for voter-nominated offices, the party preference designation specified on the declaration of candidacy as provided in Section 8002.5.

SECTION 28. Section 8125 of the Elections Code is repealed.

8125. The certified list of candidates sent to each county elections official by the Secretary of State shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR NOMINATION  
SECRETARY OF STATE

To the County Elections Official of \_\_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify that the following list contains the name of each person for whom nomination papers have been filed in my office and who is entitled to be voted for in the above named county at the direct primary election to be held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the designation of the office for which each person is a candidate, his or her name being stated under the name of the party he or she represents, except in the case of a nonpartisan office.

_____ PARTY
STATE (AND DISTRICT) OFFICES
(Title of office) _____ (Name of candidate)
_____
_____
_____
_____ District
CONGRESSIONAL OFFICES
(Including United States Senator, if any)
_____
_____
_____ District
LEGISLATIVE OFFICE
_____
_____
_____
_____ District
_____ District
_____ PARTY

STATE (AND DISTRICT) OFFICES

I further certify the following list contains the name of each person for whom nomination papers have been filed in my office, together with a designation of the office for which each person is a candidate, and that each person is entitled to be voted for in your county at that election by any registered qualified elector of your county, whether registered as intending to affiliate with any political party or not.

NONPARTISAN OFFICES  
SUPERINTENDENT OF PUBLIC INSTRUCTION

_____
_____
_____

Dated at Sacramento, California, this  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(SEAL) \_\_\_\_\_

Secretary of State

SECTION 29. Section 8125 is added to the Elections Code to read:

8125. The certified list of candidates sent to each county elections official by the Secretary of State shall be in a form to be prescribed by the Secretary.

SECTION 30. Section 8141.5 is added to the Elections Code to read:

8141.5. (a) Only the two candidates for a voter-nominated office who receive the highest and second-highest numbers of votes cast at the primary shall appear on the ballot as candidates for that office at the ensuing general election. Any number of candidates with the same party preference designation may participate in the general election if so authorized by this subsection. Notwithstanding the designation made by the candidate pursuant to Section 8002.5, no candidate for a voter-nominated office shall be deemed to be the official nominee for that office of any political party, and no party is entitled to have a candidate with its party preference designation participate in the general election unless authorized by this subsection.

(b) If only one candidate receives votes for a voter-nominated office at the direct statewide primary, that candidate shall be deemed elected to the voter-nominated office sought.

SECTION 31. Section 8142 of the Elections Code is amended to read:

8142. (a) In the case of a tie vote, nonpartisan candidates receiving the same number of votes shall be candidates at the ensuing general election if they qualify pursuant to Section 8141 whether or not there are more candidates at the general election than prescribed by this article. In no case shall the candidates determine the tie by lot.

(b) In the case of a tie vote, candidates for a voter-nominated office receiving the same number of votes shall be candidates at the ensuing general election if they qualify pursuant to Section 8141.5 whether or not there are more candidates at the general election than prescribed by this article. In no case shall the candidates determine the tie by lot.

SECTION 32. Section 8148 of the Elections Code is amended to read:

8148. Not less than 68 days before the general election, the Secretary of State shall deliver to the appropriate county elections official a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to this chapter.

(b) For each nominee for a partisan office the name of the party that has nominated him or her, ~~if any.~~

(c) For each nominee for a voter-nominated office the name of the party designated by the candidate in accordance with Section 8002.5.

(d) The designation of the public office for which he or she has been nominated.

SECTION 33. Section 8300 of the Elections Code is amended to read:

8300. A candidate for any public office, including that of presidential elector, for which no nonpartisan candidate or candidate for a voter-nominated office has been nominated or elected at any primary election, may be nominated subsequent to or in lieu of a primary election pursuant to this chapter.

SECTION 34. Section 8550 of the Elections Code is amended to read:

8550. At least 88 days prior to the election, each candidate shall leave with the officer with whom his or her nomination papers are required to be left, a declaration of candidacy which states all of the following:

(a) The candidate's residence, with street and number, if any.

(b) That the candidate is a voter in the precinct in which he or she resides.

(c) The name of the office for which he or she is a candidate.

(d) That the candidate will not withdraw as a candidate before the election.

(e) That, if elected, the candidate will qualify for the office.

~~(f) That the candidate is not, and was not at any time during the 13 months preceding the general election at which a candidate for the office mentioned in the declaration of candidacy shall be elected, or in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, at any time during the three months immediately preceding the filing of the declaration, registered as affiliated with a political party qualified under Section 5100. The statement required by this subdivision shall be omitted for a candidate for the presidential elector.~~

The name of a candidate shall not be placed on the ballot unless the declaration of candidacy provided for in this section has been properly filed.

SECTION 35. Section 8603 of the Elections Code is amended to read:

8603. Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on.

In addition, if the candidate is seeking a party nomination for an office, the signers shall also subscribe to any declaration required pursuant to subsection (e) of Section 5 of Article II of the Constitution~~be affiliated with the party whose nomination is sought.~~

SECTION 36. Section 8806 of the Elections Code is amended to read:

8806. Vacancies permitted to be filled ~~shall may~~, in the case of congressional and legislative offices, be filled ~~by the county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased candidate pursuant to Section 8807.~~ In the case of all other district or state offices requiring party nomination, ~~except congressional offices,~~ the vacancies may be filled by the state central committee of the party.

~~Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the state central committee of the party who reside in the congressional district in which the vacancy occurs, and who were registered to vote in that district at the time the vacancy occurred, acting together with the members of the county central committee or committees of the party residing in that congressional district.~~

References in this section to state and county central committees shall be construed to refer to the newly elected or selected state and county central committees, unless the organizational meetings of those committees are held in January following the general election.

SECTION 37. Section 8807 of the Elections Code is amended to read:

8807. If the vacancy occurs among candidates chosen at the direct primary to go on the ballot for the succeeding general election for a nonpartisan office or a voter-nominated office, the name of that candidate receiving at the primary election the next highest number of votes shall go upon the ballot to fill the vacancy.

SECTION 38. Section 9083.5 is added to the Elections Code to read:

9083.5. (a) If any candidate for nomination or election to a partisan office will appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the electoral procedure for such offices. The explanation shall state the following:

“PARTY-NOMINATED OFFICES

“Under the California Constitution, political parties may formally nominate candidates for party-nominated offices at the primary election. A candidate so nominated will then represent that party as its official candidate for the office in question at the ensuing general election, and the ballot will reflect an official designation to that effect. The top vote-getter for each party at the primary election is entitled to participate in the general election.”

(b) If any declaration is required under subsection (c) of Section 5 of Article II of the Constitution, a notice to that effect shall be included with the notice prescribed by subsection (a) of this section.

(c) If any candidate for nomination or election to a voter-nominated office will appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the electoral procedure for such offices. The explanation shall state the following:

“VOTER-NOMINATED OFFICES

“Under the California Constitution, political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election, and a candidate so nominated is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a voter-nominated office may, however, designate his or her party preference, or independent status, and have that designation reflected on the primary and general election ballot, but the party designation so indicated is selected solely by the candidate and is shown for the information of the voters only. It does not constitute an official endorsement by the party designated, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially-nominated candidate of any political party. All voters may vote for any candidate for a voter-nominated office, regardless of party preference, provided the voters meet the qualifications required to vote for that office. The top two vote-getters at the primary election advance to the general election for the voter-nominated office, and both candidates may have specified the same party preference designation. No party is entitled to have a candidate on the general election ballot, who has designated that party as the candidate’s party preference.”

(d) If any candidate for nomination or election to a nonpartisan office, other than judicial office, shall appear on the ballot, the Secretary of State shall include in the state ballot pamphlet a written explanation of the electoral procedure for such offices. The explanation shall state the following:

“NONPARTISAN OFFICES

“Under the California Constitution, political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate so nominated is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a nonpartisan office may NOT designate his or her party preference, or independent status, on the primary and general election ballot. The top two vote-getters at the primary election advance to the general election for the nonpartisan office.”

(e) Posters or other printed materials containing the notices specified in subsections (a) to (d) of this section shall also be included in precinct supplies pursuant to Section 14105.

SECTION 39. Section 9083.6 is added to the Elections Code to read:

9083.6. The California Nonpartisan Primary Fund is hereby established in the State Treasury. Upon appropriation by the Legislature, moneys in the fund shall be allocated to the Secretary of State to be used in voter education campaigns, for the purpose of publicly disseminating the information contained in the notices specified in Section 9083.5.

SECTION 40. Section 9084.5 is added to the Elections Code to read:

9084.5. In addition to the materials specified in Section 9084, the ballot pamphlet shall contain a written explanation of the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices as required by Section 9083.5.

SECTION 41. Section 10706 of the Elections Code is amended to read:

10706. (a) If no candidate receives a majority of votes cast, the name of that candidate of each qualified political party who receives the most votes cast for all candidates of that party shall be placed on the special general election ballot as the candidate of that party. The name of a write-in candidate shall not be placed on the ballot unless he or she also meets the requirements of subdivision (a) of Section 8605. The names of the two candidates who receive the highest number of votes cast at the special primary election, and the next highest number of votes cast at the special primary election, shall be placed on the special general election ballot. The name of a write-in candidate shall not be placed on the ballot unless he or she also meets the requirements of subdivision (a) of Section 8605.

~~(b) In addition to the candidates referred to in subdivision (a), each candidate who has qualified for the ballot by reason of the independent nomination procedure pursuant to Part 2 (commencing with Section 8300) of Division 8 shall be placed on the special general election ballot as an independent candidate. However, if two or more of these candidates are recorded on their affidavits of registration as being affiliated with the same political body, only the candidate with the greatest number of votes shall be placed on the special general election ballot.~~

SECTION 42. Section 13102 of the Elections Code is amended to read:

13102. (a) All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with subdivision (b).

~~(b) At partisan primary elections, each voter not registered as intending to affiliate with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless he or she requests a ballot of a political party and subscribes to any declaration that may be required to vote that party's ballot pursuant to subsection (c) of Section 5 of Article II of the Constitution that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices, voter-nominated offices, and measures to be voted for at the primary election. Each voter requesting the ballot of registered as intending to affiliate with a political party participating in the election, and subscribing to any required declaration, shall be furnished only a ballot of the political party with which he or she is registered requests and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207.~~

~~(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has declined to state a party affiliation to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chair immediately upon adoption of that party rule. The party chair shall provide written notice of the adoption of that No rule of the Secretary of State providing for a declaration pursuant subsection (c) of Section 5 of Article II of the Constitution shall be enforced unless adopted not later than the 135th day prior to the partisan primary election at which the vote is authorized.~~

~~(d) The county elections official shall maintain a record of which political party's ballot was requested pursuant to subdivision (b), or whether a nonpartisan ballot was requested, by each person who declined to state a party affiliation. The record shall be made available to any person or committee who is authorized to receive copies of the printed indexes of registration for primary and general elections pursuant to Section 2184. A record produced pursuant to this subdivision shall be made available in either a printed or electronic format, as requested by the authorized person or committee.~~

SECTION 43. Section 13105 of the Elections Code is amended to read:

13105. (a) In the case of candidates for partisan office in a general election ~~or in a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly,~~ immediately to the right of and on the same line as the name of the candidate, or immediately below the name, if there is not sufficient space to the right of the name, there shall be printed in eight-point roman lowercase type the name of the qualified political party ~~with~~by which the candidate ~~was~~ nominated and the nomination of which the candidate sought as indicated in his or her declaration of candidacy is affiliated.

(b) In the case of candidates for a voter-nominated office in a general election or in a special election to fill a vacancy in the office of Representative in Congress, State Senator or Member of the Assembly, immediately to the right of and on the same line as the name of the candidate, or immediately below the name, if there is not sufficient space to the right of the name, there shall be identified in eight-point roman lowercase type the name of the political party designated by the

candidate pursuant to Section 8002.5. The identification shall be in substantially the following form: "My party preference is the \_\_\_\_\_ Party." If the candidate designates no political party, the word "Independent" shall be printed instead of the party preference identification specified in the previous sentence.

(c) In the case of candidates for President and Vice President, the name of the party shall appear to the right of and equidistant from the pair of names of these candidates.

(ed) If for a general election any candidate has received the nomination of any additional party or parties, the name (s) shall be printed to the right of the name of the candidate's own party. Party names of a candidate shall be separated by commas. If a candidate has qualified for the ballot by virtue of an independent nomination, the word "Independent" shall be printed instead of the name of a political party in accordance with the above rules.

SECTION 44. Section 13110 of the Elections Code is amended to read:

13110. The group of names of candidates for any partisan office, voter-nominated office, or nonpartisan office shall be the same on the ballots of all voters entitled to vote for candidates for that office, except that in partisan primary elections, the names of candidates for nomination to partisan office shall appear only on the ballots of the political party, the nomination of which they seek.

SECTION 45. Section 13206 of the Elections Code is amended to read:

13206. (a) On the partisan ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box no less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the partisan ballot and shall be set directly above these columns. Within the box shall be printed in 24-point boldface gothic capital type the words "PartisanParty-Nominated Offices." Immediately below that phrase within the same box shall be printed, in 8-point boldface gothic type, the following: "Only voters who request the ballot of the party for which a candidate seeks the nomination for any party-nominated office, and who subscribes to any declaration of party affiliation that may be required pursuant to Article II, § 5 of the California Constitution, may vote for that candidate. The candidate nominated by the qualified voters for a party-nominated office shall be the official nominee of the party for that office in the general election."

(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Voter-Nominated & Nonpartisan Offices." Immediately below that phrase within the same box shall be printed, in 8-point boldface gothic type, the following: "All voters, regardless of their party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not constitute an official endorsement by the party indicated, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially-nominated candidate of any political party."

SECTION 46. Section 13207 of the Elections Code is amended to read:

13207. (a) There shall be printed on the ballot in parallel columns all of the following:

(1) The respective offices.

(2) The names of candidates with sufficient blank spaces to allow the voters to write in names not printed on the ballot.

(3) Whatever measures have been submitted to the voters.

(b) In the case of a ballot which is intended for use in a party primary and which carries both partisan offices, voter-nominated offices, and nonpartisan offices, a vertical solid black line shall divide the columns containing partisan offices, on the left, from the columns containing nonpartisan offices and voter-nominated offices, on the right.



(c) The standard width of columns containing partisan and nonpartisan offices and voter-nominated offices shall be three inches, but a elections official may vary the width of these columns up to 10 percent more or less than the three-inch standard. However, the column containing presidential and vice presidential candidates may be as wide as four inches.

(d) Any measures that are to be submitted to the voters shall be printed in one or more parallel columns to the right of the columns containing the names of candidates and shall be of sufficient width to contain the title and summary of each measure. To the right of each title and summary shall be printed, on separate lines, the words "Yes" and "No."

SECTION 47. Section 13208 of the Elections Code is amended to read:

13208. (a) In the right-hand margin of each column light vertical lines shall be printed in such a way as to create a voting square after the name of each candidate for partisan office, voter-nominated office, nonpartisan office (except for justice of the Supreme Court or court of appeal), or for chairman of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting squares to the right of the words "Yes" and "No." The voting squares shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting square shall be at least three-eighths of an inch square but may be up to one-half inch square. Voting squares for measures may be as tall as is required by the space occupied by the title and summary.

SECTION 48. Section 13230 of the Elections Code is amended to read:

13230. (a) If the county elections official determines that, due to the number of candidates and measures that must be printed on the ballot, the ballot will be larger than may be conveniently handled, the county elections official may provide that a nonpartisan ballot shall be given to each partisan voter, together with his or her partisan ballot, and that the material appearing under the heading "Voter-Nominated & Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.

(b) If the county elections official so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters. The county elections official may, in this case, order the second ballot to be printed on paper of a different tint, and assign to those ballots numbers higher than those assigned to the ballots containing partisan offices.

(c) "Partisan voters," for purposes of this section, includes persons who have ~~declined to state a party affiliation, but who have chosen to vote the ballot of a political party as authorized by that party's rules duly noticed to the Secretary of State~~ and who have subscribed to any declaration that may be required pursuant to subsection (c) of Section 3 of Article II of the Constitution.

SECTION 49. Section 14105.1 is added to the Elections Code to read:

14105.1. In addition to the materials identified in Section 14105, the elections official shall furnish to the precinct officers printed copies of the notices specified in Section 9083.5, as supplied by the Secretary of State. The notices shall be conspicuously posted both inside and outside every polling place.

SECTION 50. Section 15451.5 is added to the Elections Code to read:

15451.5. The nominees for a voter-nominated office shall be determined in accordance with Section 8141.5 and 8142(b).

SECTION 51. Section 15670 of the Elections Code is amended to read:

15670. This article applies only to:

(a) Candidates for delegates to a national convention for the nomination of party candidates for President and Vice President of the United States.

(b) Candidates for nomination at the direct primary to offices other than nonpartisan offices or voter-nominated offices.

SECTION 52. Section 15671 of the Elections Code is amended to read:

15671. (a) In case of a tie vote for member of the State Board of Equalization, state Senator, Member of the Assembly, Representative in Congress or member of a county central committee, where the office is to be voted for wholly within one county, the election board shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

(b) In the case of a tie vote in a primary election for a voter-nominated office, Section 8142(b) shall govern.

SECTION 53. Section 19300 of the Elections Code is amended to read:

19300. (a) A voting machine shall, except at a direct primary election, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

(b) When more than one candidate at a general election for a voter-nominated office has designated the same party preference pursuant to Section 8002.5, the voting machine shall not permit the voter to vote for all candidates of that party for the voter-nominated office in question, notwithstanding subsection (a).

SECTION 54. Section 19301 of the Elections Code is amended to read:

19301. A voting machine shall provide in the general election for grouping under the name of the office to be voted on, all the candidates for the office with the designation of the parties, if any, by which they were respectively nominated or which they designated pursuant to Section 8002.5.

The designation may be by usual or reasonable abbreviation of party names.

SECTION 55. Section 12900 of the Insurance Code is amended to read:

12900. (a) The commissioner shall be elected by the people in the same time, place, and manner as the Governor, as provided by Section 5.5 of Article II of the California Constitution, not to exceed two four-year terms.

(b) Should a vacancy occur during the term of office, legislative confirmation shall be required for the position of commissioner in the same manner and procedure as that required by Section 5 of Article V of the California Constitution.

SECTION 56. Interpretation.

This Act must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. This Act must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Act be interpreted or implemented in a manner that facilitates the purposes set forth in this Act.

SECTION 57. Severability.

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable. The voters declare that this Act, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Act is held invalid as applied to any person or

circumstance, such invalidity does not affect any application of this Act that can be given effect without the invalid application.

#### SECTION 58. Amendments.

(a) The following statutory provisions of this measure may be amended, consistent with the purposes of this measure, by a bill introduced and passed no earlier than the third full calendar year following adoption, by a majority of the membership of each house of the Legislature and signed by the Governor: Section 6 of this Initiative (amending Section 13 of the Elections Code), Section 14 of this Initiative (amending Section 3006 of the Elections Code), Section 15 of this Initiative (amending Section 3007.5 of the Elections Code), Section 16 of this Initiative (amending Section 3205 of the Elections Code), Section 20 of this Initiative (amending Section 8004 of the Elections Code), Section 22 of this Initiative (amending Section 8041 of the Elections Code), Section 24 of this Initiative (amending Section 8081 of the Elections Code), Section 25 of this Initiative (adding Section 8106.5 of the Elections Code), Section 32 of this Initiative (amending Section 8148 of the Elections Code), Section 34 (amending Section 8550 of the Elections Code), Section 41 of this Initiative (amending Section 10706 of the Elections Code), Section 42 of this Initiative (amending Section 13102 of the Elections Code), Section 44 of this Initiative (amending Section 13110 of the Elections Code), Section 46 of this Initiative (amending Section 13207 of the Elections Code), Section 47 of this Initiative (amending Section 13208 of the Elections Code), Section 48 of this Initiative (amending Section 13230 of the Elections Code), Section 53 of this Initiative (amending Section 19300 of the Elections Code), Section 54 of this Initiative (amending Section 19301 of the Elections Code).

(b) The statutory provisions of this measure not identified in subsection (a) may be amended, consistent with the purposes of this measure, by a bill introduced and passed no earlier than the third full calendar year following adoption, by two-thirds of the membership of each house of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and news media.

(c) The remaining provisions of this measure may only be amended by a vote of the people in accordance with Section 10(c) of Article II and Section 3 of Article XIX of the California Constitution.

#### SECTION 59. Conflicting Ballot Measures.

(a) In the event that this measure and another measure or measures relating to direct primary elections, special primary elections, or general elections in this state shall appear on the same statewide election ballot, the provisions of the other measures that would affect in whole or in part the field of such primary elections or general elections, or both, shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and each and every provision of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

(b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

#### SECTION 60. Effective Date.

This measure shall become effective upon January 1 of the next odd-numbered year following the election at which the voters approve this measure.